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Stiffed Pure Food And Wine Workers Struggle To Reopen Restaurant After Owner Goes AWOL

by [Nathan Tempey](#) in [Food](#) on [Jul 20, 2015 4:36 pm](#)



Workers and allies rally in front of Pure Food and Wine to demand back pay and boost support for reopening with new ownership. (Reclaim Pure Food and Wine/Facebook)

Workers at Gramercy Park's shuttered raw vegan restaurant Pure Food and Wine are fighting to have its AWOL owner jailed, force her to pay weeks of back wages they say they're owed, and to reopen the restaurant with new investors, possibly with the workers as owners. The eatery has been closed since July 3rd, two days after the staff told owner Sarma Melngailis they were unionizing, and one day after she allegedly refused to pay them. None of them have seen her since.

"She's truly fallen off the map," said Daniel Schubmehl, a union organizer and former bartender and server.

But the newly formed, independent Pure Food and Wine Restaurant Union has been busy on several fronts, rallying in front of the business on Thursday evenings, bringing a federal labor complaint against Melngailis, planning a class-action lawsuit (they hope to file next week), talking to prosecutors, and courting investors who could put up the money to start anew. Meanwhile, most of the 100 or so people who staffed the Gramercy restaurant and One Lucky Duck, the adjoining juice bar and mail-order snack operation, have taken new jobs, but are holding out hope that they can return to a reincarnated Pure Food.

Their lawyer, Benjamin Dictor, said he couldn't name the investors involved in talks, but that they're "employee-friendly," which Schubmehl said could mean recognizing the union, or even having employees become part-owners.

"All I know is that there are a group of individuals interested in coming in and opening it back up, and interested in the idea that respect for labor is important as well as health and ecological sustainability,"

Dictor said.

The staffers have flagged the case for the Brooklyn District Attorney's Office, which has jurisdiction because the company was headquartered in Kings County. Dictor noted that Melngailis is a repeat offender, having failed to pay workers in December and early January, which led to a walkout and Melngailis closing the restaurant. He said she should be given the same treatment as, say, a burglary ring.

"Imagine that somebody broke into your home and stole something that was equal in value to two weeks of wages," Dictor said. "You would want that person thrown in jail because that's a crime."

Last time, the workers sued Melngailis for back pay. The restaurant reopened with staff, some new, some old, after more than a month, with the help of \$1 million in new investments. Melngailis settled the wage theft claim out of court. This go-round, workers are saying they won't go back on the job unless she is out of the picture, and one of her recent investors, Asparagus Trading Corporation, is suing for \$280,000 it claims she drained from business accounts for "improper purposes."

According to the company's lawsuit, filed in state court on July 7th, when executives realized Melngailis had emptied the accounts and was behind on bills, it paid the \$31,000 June rent under the understanding that she would sell the business and its assets to investors. Then, according to the lawsuit, she refused to sell, and before disappearing, diverted credit card payments into her personal coffers.

Dictor and Schubmehl said they have not yet spoken to building owner Naomi Blumenthal, who runs the boutique hotel Inn at Irving Place upstairs, but that through rallies, fundraising, and a petition, they're trying to show her that a rebooted restaurant would be a reliable tenant with strong community support.

"Every time we protest people come to the door—[last week] there were at least a dozen who came to the door and wanted to dine, not realizing it had closed," Schubmehl said. "People want it there."

This Thursday, instead of a picket, the union is holding a potluck on the sidewalk starting at 6 p.m.

Melngailis did not respond to tweets, Facebook messages, and an email requesting comment. A phone number staff had used to reach her goes straight to voicemail. The mailbox is full.

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